

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
April 1, 2014**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, April 1, 2014, at 6:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance

In attendance were:

James D. Gunning, Mayor
Jacqueline Millet, Mayor Pro Tem
Harold Anderson, Council Member
Kim Monson, Council Member
Susan Squyer, Council Member

Also in attendance were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Steve Hebert, Deputy City Manager
Chief Jeffery Streeter, Lone Tree Police Department
Kristin Baumgartner, Finance Director
Kelly First, Community Development Director
Lisa Rigsby Peterson, Lone Tree Arts Center Director
Neil Rutledge, Assistant City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TST, Inc.

Call to Order

Mayor Gunning called the meeting to order at 6:02 p.m., and observed that a quorum was present.

Executive Session

Mayor Gunning announced City Council intends to convene in Executive Session. Neil Rutledge, Assistant City Attorney, stated the Executive Session would be for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding quasi-judicial actions by the City Council. Council Member Anderson moved, seconded by Council Member Squyer, for City Council to recess and convene in Executive Session for the reasons stated. The motion passed unanimously.

Council adjourned to an Executive Session at 6:02 p.m.

The Executive Session was adjourned at 6:19 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:01 p.m., following a short recess.

Pledge of Allegiance

Mayor Gunning led those assembled in reciting the Pledge of Allegiance.

Amendments to the Agenda

There were no amendments to the agenda.

Conflict of Interest

There was no conflict of interest.

Announcements

Patrick Britti, Youth Commissioner, gave Council an update on the Youth Commission.

Public Comment

Doug MacGregor, thanked Council and Staff for the great job they are doing.

Announcements cont.

Mayor Gunning announced upcoming events.

Presentations

There were no presentations.

Consent Agenda

Mayor Gunning noted the following items on the Consent Agenda, which consisted of:

- *Minutes of the March 18, 2014 Regular Meeting*
- *Claims for the period of March 10-24, 2014*

Council Member Squyer moved, Mayor Pro Tem Millet seconded, to approve the Consent Agenda. The motion passed unanimously.

Community Development

RidgeGate Lincoln Commons Commercial/Mixed Use Sub-Area Plan #SA14-03R and RidgeGate Section 15 Filing No. 21 Subdivision Replat #SB13-43R

Kelly First, Community Development Director, introduced both items. Keith Simon, RidgeGate Development Director, also gave a presentation on the two items.

Council Member Monson moved, Council Member Squyer seconded, to approve RidgeGate Lincoln Commons Commercial/Mixed Use Sub-Area Plan #SA14-03R. The motion passed unanimously.

Mayor Pro Tem Millet moved, Council Member Anderson seconded, to approve RidgeGate Section 15 Filing No. 21 Subdivision Replat #SB13-43R, subject to the three conditions as noted in the staff report. The motion passed unanimously.

Public Works

Approval of Aggregate Industrial-WCE, Inc. Contract for the 2014 Asphalt Overlay Contract

John Cotten, Public Works Director, introduced the item.

Council Member Monson moved, Council Member Squyer seconded, to approve the contract with Aggregate Industrial-WCE, Inc. in the amount of \$789,292.25 for the 2014 Asphalt Overlay Program and authorize the Public Works Director to execute the contract documents. The motion passed unanimously.

Administrative Matters

Public Hearing: Hotel and Restaurant Liquor License Application for Cita Corp, LLC d/b/a Lyfe Kitchen (8505 Park Meadows Drive, Suite 2184A)

Mayor Gunning opened the public hearing at 7:32 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced DJ Mitchell, III, applicant, and Carol Johnson, petitioner. Ms. Johnson answered questions from Council.

Mayor Gunning opened the public hearing at 7:37 p.m.

Mr. Britti asked the location of the restaurant.

The public hearing was closed at 7:38 p.m.

Council Member Anderson moved, Mayor Pro Tem Millet seconded, to approve a

new Hotel and Restaurant Liquor License for Cita Corp, LLC d/b/a Lyfe Kitchen at 8505 Park Meadows Drive, Suite 2184A. The motion passed unanimously.

Public Hearing: Ordinance 14-03, AMENDING THE MUNICIPAL CODE TO MODIFY THE DISTANCE RESTRICTION ON APPLICATIONS FOR CERTAIN NEW LIQUOR LICENSES, PURSUANT TO THE COLORADO LIQUOR CODE (Second Reading)

Mayor Gunning opened the public hearing at 7:40 p.m.

Neil Rutledge, Assistant City Attorney introduced the item.

Mayor Gunning opened the public hearing for comment at 7:40 p.m.

There was no public comment.

The public hearing was closed at 7:41 p.m.

Council Member Anderson moved, Council Member Monson seconded, to approve **Ordinance 14-03, AMENDING THE MUNICIPAL CODE TO MODIFY THE DISTANCE RESTRICTION ON APPLICATIONS FOR CERTAIN NEW LIQUOR LICENSES, PURSUANT TO THE COLORADO LIQUOR CODE** on Second Reading. The motion passed unanimously.

Approval of Commissioners' Choice Selection – Rita Derjue

Lisa Rigsby Peterson, Lone Tree Arts Center Director, introduced the item.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve the Lone Tree Arts Commission's recommendation to exhibit Rita Derjue for the Commissioners' Choice Program at Lone Tree Arts Center. The motion passed unanimously.

Resolution 14-06, APPOINTING A MEMBER TO THE PLANNING COMMISSION (Kline)

Council Member Anderson introduced the item. Council Member Squyer asked about Mr. Kline's term expiration and suggested it be amended to concur with Mr. Sauder's term expiration and Resolution 14-07 be amended the same.

Council Member Squyer moved, Council Member Monson seconded, to approve **Resolution 14-06, APPOINTING A MEMBER TO THE PLANNING COMMISSION (Kline)** as amended with Mr. Kline's term expiring on October 31, 2016. The motion passed unanimously.

Resolution 14-07, A RESOLUTION EXTENDING THE TERM FOR CITY COMMISSION, BOARD AND COMMITTEE MEMBERS

Neil Rutledge, Assistant City Attorney introduced the item.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve **Resolution 14-07, A RESOLUTION EXTENDING THE TERM FOR CITY COMMISSION, BOARD AND COMMITTEE MEMBERS** as amended with Mr. Kline's current term expiration as 10/31/2016. The motion passed unanimously.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 7:56 p.m.

Respectfully submitted,

Jennifer Pettinger, CMC, City Clerk



CITY OF LONE TREE
FINAL STAFF REPORT

TO: Mayor Gunning and City Council
FROM: Kelly First, Community Development Director
DATE: April 2, 2014
SUBJECT: RidgeGate Lincoln Commons Commercial/Mixed-Use Sub-Area Plan
(Amendment to RidgeGate Retail District West Sub-Area Plan)
Project File #SA14-03R

Owner:
Lincoln Commons South, Inc.
1041 Third Avenue, 2nd Fl.
New York, NY 10065

Representative:
Coventry Development
Darryl Jones/Keith Simon
10270 Commonwealth St., Ste B
Lone Tree, CO, 80124

Planning Commission Meeting Date: February 25, 2014
City Council Meeting Date: April 1, 2014

A. CITY COUNCIL ACTION:

The City Council unanimously approved the application, with no conditions.

END



CITY OF LONE TREE
FINAL STAFF REPORT

TO: Mayor Gunning and City Council
FROM: Kelly First, Community Development Director
DATE: April 2, 2014
SUBJECT: RidgeGate Section 15 Filing No. No. 21
Subdivision Replat #SB13-43R

Owner:
Lincoln Commons South, Inc.
Rampart Range Metropolitan District No 1
RidgeGate Investments, Inc.

Representative:
Keith Simon
10270 Commonwealth Street
Lone Tree, CO 80124

City Council Meeting Date: April 1, 2014

B. COUNCIL ACTION:

The City Council unanimously approved the application, subject to the following conditions:

1. Final approval by the City of Lone Tree Public Works Department.
2. Prior to recordation of this plat, the proposed amendment to the applicable Sub-Area Plan (Lincoln Commons C/M-U Sub-Area Plan, Project # SA14-03R) shall be approved. (This has been satisfied. Council approved the Sub-Area Plan on April 1, 2014).
3. Prior to final approval, a note shall be added to the plat document indicating that prior to approval of a Certificate of Occupancy for any development within Filing 21 west of Belvedere Lane, the intersection of Arts Center Drive with Commons Street shall be constructed to be in alignment with the main drive entrance to the property to the west.

END

**FINDINGS AND REPORT TO STATE LICENSING AUTHORITY BY THE
CITY COUNCIL OF LONE TREE ACTING AS THE
LOCAL LICENSING AUTHORITY ON THE APPLICATION FOR A
HOTEL & RESTAURANT LIQUOR LICENSE**

Cita Corp, LLC d/b/a Lyfe Kitchen

A public hearing was held by the City Council of Lone Tree, State of Colorado, acting as Local Licensing Authority at approximately 7:00 p.m. on Tuesday, April 1, 2014 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of Cita Corp, LLC d/b/a Lyfe Kitchen, 8505 Park Meadows Drive, Suite 2184A, Lone Tree, Colorado 80124.

At said hearing, the following Members of the Council were present:

Mayor James D. Gunning
Mayor Pro Tem Jackie Millet
Council Member Harold Anderson
Council Member Kim Monson
Council Member Susan Squyer

Also present were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
DJ Mitchell, III, Applicant
Carol Johnson, Petitioner

The Honorable Mayor James D. Gunning presided. The hearing was duly convened to consider the Application and conduct a public hearing thereon.

City Clerk, Jennifer Pettinger noted that the City Council was in receipt of a packet of information which contained copies of: the license application, franchise agreement, red-lined drawing of the premises, lease agreement, individual history records, articles of incorporation, Secretary of State's Certificate of Good Standing, Lone Tree business license application, affidavit of posting, affidavit of publication and petition submittal. She noted staff has reviewed all the documents and directed the information be made a part of the record.

City Clerk, Jennifer Pettinger gave a brief presentation concerning the application and provided evidence of posting to the Council. Ms. Pettinger introduced DJ Mitchell, III, Applicant and Carol Johnson, Petitioner. Carol Johnson answered questions about the petition.

The petitions supporting the application were reviewed and found to be in accordance with and in conformity with the City of Lone Tree Liquor and Fermented Malt Beverage Regulations and were accepted into evidence by the Authority.

Mayor Gunning opened the hearing for public testimony. No one came forward.

Following a brief discussion by the City Council, the hearing was closed to public testimony.

The City Council, acting as the Local Licensing Authority, having fully considered the application and testimony submitted by the Applicant, and the other evidence adduced at the hearing, NOW FINDS as follows:

Cita Corp, LLC d/b/a Lyfe Kitchen

Findings and Report to the State

1. The public hearing held with respect to said Application on Tuesday, April 1, 2014, was duly convened and the Council has jurisdiction to consider the Application as the Local Licensing Authority.
2. Applicant seeks approval of an application for a Hotel & Restaurant Liquor License at 8505 Park Meadows Drive, Suite 2184A, Lone Tree, Colorado 80124. The Application was submitted on a form prescribed by the State Licensing Authority pursuant to statute, and said application appears to be complete in all material respects. The required fees accompanied the application.
3. The Council has reviewed the Individual History Records of the owners and the managers. Council finds that the Applicant has satisfied the requirements of the Colorado Liquor Code and Regulations with respect to character, record, and reputation.
4. The Applicant has evidenced possession of the subject property through a lease agreement that will expire on January 31, 2024.
5. The premise was posted in accordance with the law, for a period of not less than ten consecutive days prior to the date of said public hearing on the application, and published notice was accomplished by publication in a newspaper of general circulation in Douglas County.
6. Petitions containing 154 valid signatures in favor of and 0 valid signatures in opposition to the issuance of the license were presented to and considered by the Council.
7. No one appeared in opposition.

The City Council, acting as the Local Licensing Authority, having considered and weighed the foregoing, as well as the facts and evidence adduced by the Council's investigation, expressions of opinion as to the needs and desires of the inhabitants of the neighborhood contained in the aforementioned Petitions and all other facts, data and testimony, NOW FINDS

that the Applicant has demonstrated, with respect to the application, that the needs and desires of the neighborhood are not adequately being served at this time.

Accordingly, the City Council hereby affirms its approval of the application of **Cita Corp, LLC d/b/a Lyfe Kitchen**, 8505 Park Meadows Drive, Suite 2184A, Lone Tree, Colorado 80124.

The City Council hereby authorizes and directs the Liquor Licensing Administrator to submit the necessary report and approved application to the State Licensing Authority in accordance with the law.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO, acting as Local Licensing Authority.

CITY OF LONE TREE:

By: _____/s/_____
Jennifer Pettinger
Liquor License Administrator

Date: April 1, 2014